

Message Text

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ACTION EA-09

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 1683

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E.O. 11652: N/A

TAGS: SHUM, PINT, RP

SUBJ: TEXT OF PRESIDENT MARCOS' LETTER TO FORMER SENATOR BENIGNO

S. AQUINO, JR. DATED JUNE 27, 1977

REF: MANILA 9969

1. FOLLOWING IS COMPLETE TEXT OF PRESIDENT MARCOS' LETTER TO SENATOR AQUINO DATED JUNE 27 AND RELEASED TO PRESS BY INFO SEC TATAD LATE JUNE 28.

2. BEGIN TEXT: DEAR MR. AQUINO: I REFER TO YOUR LETTER DATED JUNE 7, 1977 WHEREIN YOU SOUGHT TO MEET WITH ME PERSONALLY AND DISCUSS YOUR FORMAL REQUEST FOR THE TRANSFER OF THE TRIAL OF YOUR CASES TO THE CIVIL COURT FROM THE MILITARY COMMISSION WHERE THEY ARE NOW BEING TRIED.

3. FAVORABLY ACTING UPON YOUR APPEAL TO MEET WITH ME, I DIRECTED BRIG. GEN. JOSEPHUS RAMAS (CHIEF OF STAFF, PHILIPPINE ARMY) TO BRING YOU TO MALACANANG PALACE WHICH HE DID, ON JUNE 21, 1977 AT 11:00 A.M. OUR MEETING TOOK PLACE AT MY STUDY ROOM FOR TWO AND A HALF HOURS IN THE PRESENCE OF SECRETARY OF NATIONAL DEFENSE JUAN PONCE ENRILE, SECRETARY OF PUBLIC INFORMATION FRANCISCO TATAD AND SOLICITOR-GENERAL ESTELITO MENDOZA.

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4. AT THAT POINT OF OUR CONVERSATION WHEN YOU REITERATED AMONG OTHERS, YOUR PLEA TO HAVE YOUR CASES TRANSFERRED TO THE CIVIL COURTS, I RECALLED TO YOU THAT I HAVE ALWAYS INDICATED MY WILLINGNESS TO HAVE YOUR CASES TRIED BEFORE THE CIVIL COURTS, BUT YOU STRONGLY AND REPEATEDLY EXPRESSED YOUR UNWILLINGNESS THEN TO SUBMIT YOURSELF TO THE

JURISDICTION OF THE CIVIL COURTS BECAUSE OF YOUR CLAIM THAT THE PRESIDING JUDGES OF THOSE COURTS COULD BE REMOVED BY ME ANYTIME.

5. I WISH TO ASSURE YOU THAT I HAVE GIVEN YOUR REQUEST SERIOUS AND FULLEST STUDY. IN THE PROCESS, I HAVE CONSULTED WITH LEGAL EXPERTS OF THE GOVERNMENT ON WHATEVER MAY BE THE CONSTITUTIONAL AND LEGAL IMPLICATIONS INVOLVED. IT IS THEIR CONSENSUS THAT YOUR REQUEST, IF GRANTED AT THIS STAGE OF THE TRIAL OF YOUR CASES, IS ATTENDED BY COMPLEX PROCEDURAL AND LEGAL CONSTRAINTS, SUCH AS THE PRINCIPLE OF DOUBLE JEOPARDY, THE QUESTION OF JURISDICTION AND THE DENIAL OF EQUAL PROTECTION OF THE LAW TO THOSE WHO HAVE ALREADY BEEN TRIED AND ARE BEING TRIED BY THE MILITARY TRIBUNALS INVOLVING CASES SIMILAR TO THOSE AGAINST YOU. IT IS, THEREFORE, UNFORTUNATE THAT YOUR REQUEST HAS COME AT AN INAUSPICIOUS TIME, CONSIDERING THAT THE PROSECUTION HAS ALREADY COMPLETED THE PRESENTATION OF ITS EVIDENCE IN ALL THE CASES AGAINST YOU AND, IN FACT, HAS RESTED ITS CASE.

6. HOWEVER, BE THAT AS IT MAY AND IN ORDER TO GIVE YOU AND OTHER ACCUSED SIMILARLY SITUATED AN OPPORTUNITY TO LEGALLY VENTILATE FURTHER YOUR CLAIM OF INNOCENCE BEFORE ANOTHER JUDICIAL FORUM AND IN ORDER TO SERVE THE ENDS OF JUSTICE MORE FULLY, I HAVE ACCORDINGLY PROMULGATED PRESIDENTIAL DECREE NO. 1165 DATED 24 JUNE 1977, GIVING UNCLASSIFIED

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YOU AND OTHER SO CIRCUMSTANCED THE RIGHT TO APPEAL DIRECTLY TO THE SUPREME COURT IN THE EVENT JUDGMENTS IN YOUR CASES SHOULD RESULT IN CONVICTION. I AM HEREWITH ATTACHING A COPY OF P.D. NO. 1165 FOR YOUR INFORMATION AND REFERENCE.

7. AS I SAID TO YOU DURING OUR MEETING, IT IS MY DESIRE TO EXTEND TO YOU AS MUCH HELP AND UNDERSTANDING AS MAY BE LEGALLY POSSIBLE AND IN MY EARNEST EFFORT TO DEMONSTRATE THIS, I HAVE EXHAUSTED ALL AVAILABLE OPTIONS. HOWEVER, BOTH THE CONSTITUTION AND OUR LAWS WHICH I AM SWORN TO UPHOLD AND EXECUTE COMPEL ME TO ACT IN AN EVENHANDED MANNER CONCERNING ALL PERSONS INVOLVED, IRRESPECTIVE OF MY OWN PERSONAL INCLINATIONS.

8. IT IS, NEVERTHELESS, MY HOPE THAT SHOULD THE OPPORTUNITY PRESENT ITSELF, I COULD BE OF SOME ASSISTANCE TO YOU. SINCERELY YOURS, FERDINAND E. MARCOS, PRESIDENT OF THE PHILIPPINES. END TEXT.
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